

## REMARKS

Reconsideration of this application as amended is respectfully requested.

In the Office Action claims 1-7, 12-21, 23-28, and 31-46 were pending and rejected. In this response, no claim has been canceled. Claims 1, 7, 12-13, 21, 26, 31, and 38 have been amended. In addition, new claims 47-57 have been added. Thus, claims 1-7, 12-21, 23-28, and 31-57 remain pending. No new matter has been added.

Claims 1-7, 21, 23-25, and 31-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,167,446 of Lister ("Lister") in view of U.S. Patent No. 6,021,429 of Danknick ("Danknick") and U.S. Patent No. 5,828,830 of Rangaraian et al. ("Rangaraian"). Claims 12-20, 26-28, and 38-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lister in view of Rangaraian.

It is respectfully submitted that the present invention as claimed includes limitations that are not disclosed or suggested by the cited references, individually or in combination.

Specifically, independent claim 1 as amended recites as follows:

1. A method for providing dynamic configuration services comprising:  
requesting, with a local device, configuration services from a first remote device over a network in response to connecting the local device to the network;  
operating the local device as a configuration services server to provide configuration services to one or more second remote devices of said network if the response to said configuration information request is not received by the local device from said first remote device within a predetermined period of time or if the response to said configuration information request is received by the local device from said first remote device within the predetermined period of time and the response indicates that the local device has a higher priority than the first remote device;  
and  
operating the local device as a configuration services client to receive configuration services from said first remote device if the response is received within the predetermined period of time and said first remote device has a higher priority than said local device, wherein the local device is configured using the received configuration services from the first remote device when entering the network.

(Emphasis added)

Independent claim 1 includes a local device that operates as a configuration services server to provide configuration services to other remote devices, if a request for configuration services from a remote device is not received within a predetermined period of time, or alternatively, if the response of the request indicates that the local device has a higher priority than the remote device. Otherwise, the local device operates as a client to the remote device to receive configuration services from the remote device, where the local device is configured using the received configuration services. It is respectfully submitted that the above limitations are absent from the cited references, individually or in combination.

Rather, Lister relates to a proxy file cache for providing names for a file server. The proxy file cache stores a portion of the file or files of the file server and responds to a request to access the file server (Lister, Summary, col. 3, line 39 to col. 4, line 67). That is, the proxy file cache serves as a cache for the file server. The proxy file cache in Lister serves as a cache for the file server. There is no mention in Lister that a local device becomes a configuration server when a response to a request for configuration services is not received from a configuration server within a predetermined period of time, or alternatively, if the priority of the local device is higher than the configuration server.

It is respectfully submitted that the proxy file cache of Lister does not read on the local device that becomes a server as recited in claim 1 of the present application. Rather, the proxy file cache serves only the cache or the proxy for the file server. The proxy file cache of Lister does not take over the file server as a file server. One with reasonable skill in the art would only consider the proxy file cache as an extension of the file server, just like the cache memory of a memory drive. There is no mention or suggestion in Lister that the proxy file cache becomes a

server (e.g., file server) when a response to a request to the file server is not received within a predetermined period of time, or when the priority of the proxy file cache is higher than the file server.

In addition, as acknowledged by the Examiner, Lister does not explicitly teach operating the local device as a configuration services server to provide configuration services and operating the local device as a configuration service client to receive configuration services. However, the Examiner maintains that “the use of operating as a list manager to maintain a list of device addresses and operating as a slave to provide a device address is well-known in the art as disclosed by Danknick [see Abstract and Fig. 5B and Col. 1, Line 41 – Col. 2, Lines 41]” (See, 11/6/2003 Office Action, pages 7).

Applicant respectfully disagrees. Danknick relates to a network device as a slave to a list manager that is dedicated to provide a list of addresses (e.g., IP addresses) of all network devices in the network, rather than maintaining a full address server (see, col. 1, lines 30 to 67 of Danknick). Further, the list manager of Danknick as a slave device becomes active only if the master device is down and the list manager never takes over the operations of the master when the master is still operating.

In contrast, the local device of the present invention as claimed takes over the configuration server task from an existing server device if the priority of the local device is higher than the existing server device, even if the existing server device is still available, as recited in claim 7. Although Rangaraian discloses comparing priorities, such a comparison is used for significantly different purposes. It is respectfully submitted that the cited references, individually or in combination fail to disclose or suggest such limitations.

Further, the local device of present invention as claimed utilizes a variety of operating states to determine whether the local device should be operating as a server device or a client device, as recited in newly added claims 47-57. It is respectfully submitted that none of the cited references discloses or suggests such limitations.

Furthermore, there is no suggestion within the cited references to combine Lister, Danknick, and Rangaraian. Lister relates to name services for the file server, while Danknick relates to address services and Rangaraian relates to network monitoring or trapping. They solve significantly different problems and their approaches are significantly different. For example, Lister does not need the address services of Danknick and the network trapping services of Rangaraian. The proxy file cache of Lister only provides a portion of files to the client without having to access the file server again, which typically takes longer time. There is no address service involved and obviously no network traffic trapping needed because all traffic to the file server has to go through the proxy (e.g., the proxy file cache). Thus, there is no motivation to combine these references. One with ordinary skill in the art would not combine these references because such a combination lacks reasonable expectation of success, since they are solving significantly different problems and their approaches are significantly different.

Even if they were combined, it is respectfully submitted that such a combination still lacks the limitations set forth above. Therefore, for the reasons discussed above, independent claim 1 is patentable over the cited references.

Similarly, independent claims 12, 21, 26, 31, and 38 include limitations similar to those recited in claim 1. Thus, for the reasons similar to those discussed above, claims 12, 21, 26, 31, and 38 are patentable over the cited references.

Given that claims 2-7, 13-20, 23-25, 27-28, 32-37, and 39-57 depend from one of the above independent claims, for at least the reasons similar to those discussed above, it is respectfully submitted that claims 2-7, 13-20, 23-25, 27-28, 32-37, and 39-57 are also patentable over the cited references. Withdrawal of the rejections is respectfully submitted.


In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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